

REMARKS

Claims 23-44 are pending and under current examination. In the Office Action, the Examiner rejected claims 23-27, 35, and 39 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,411,802 B1 (“Cardina”); and rejected claims 28-34, 36-38, and 40-44 under 35 U.S.C. § 103(a) as being unpatentable over Cardina in view of U.S. Patent Application Publication No. 2002/0132613 A1 (“Leung”). Applicants respectfully traverse these rejections for the following reasons.

Rejection of Claims 23-27, 35 and 39 under 35 U.S.C. § 103(a):

Applicants request reconsideration and withdrawal of the rejection of claims 23-27, 35, and 39 under 35 U.S.C. § 103(a) as being unpatentable over Cardina.

The Office Action has not properly resolved the *Graham* factual inquiries, as required to establish a framework for an objective obviousness analysis. *See* M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007). In particular, the Office Action has not properly determined the scope and content of the prior art, at least because the Office Action incorrectly interpreted the content of Cardina. Specifically, Cardina does not teach or suggest what the Office Action attributes to Cardina. In addition, the Office Action has not properly ascertained the differences between the claimed invention and the prior art, at least because the Office Action has not interpreted the prior art and considered *both* the invention *and* the prior art *as a whole*. *See* M.P.E.P. § 2141(II)(B).

Cardina does not teach or suggest at least Applicants’ claimed “having the caller place a call to a virtual mobile telephony number associated with the first telephony number,” and “receiving the call at a switching apparatus of a mobile telephony network,” as recited in

independent claim 23 (emphases added). Instead, Cardina discloses a wireless telephone backup device for landline telephone equipment to provide emergency backup telephone service to the landline phone equipment upon detection of interruptions in the landline telephone equipment. *See Cardina*, Abstract and col. 2, lines 29-35. More specifically, Cardina's wireless telephone backup device forwards an incoming call placed to a subscriber's landline directory number to the wireless telephone backup device utilizing a conventional landline network or modified landline network. *See Cardina*, col. 29, lines 4-7, col. 30, lines 63-66, col. 27, lines 33-38, and col. 30, lines 12-20.

In contrast to Applicants' claimed invention, in which the number called by a caller is a "virtual mobile telephony number," as recited in claim 23, the number called by a caller in Cardina is a "landline directory number" (Cardina, col. 29, lines 4-7). This is evident in, for example, Fig. 16 of Cardina, in which a statement of "CALL DIALED WBTL SUBSCRIBER'S LANDLINE NUMBER" is located between steps 1514 and 1516. The same statements are found in Cardina's Figs. 14, 18, and 20. In addition, the incoming telephone call in Cardina is received by a service switching point (SSP) of a landline network before call forwarding. *See Cardina*, col. 16, lines 24-43. In contrast, Applicants' claim 23 recites "receiving the call at a switching apparatus of a mobile telephony network" (emphasis added).

Moreover, the Office Action alleged that Cardina's description at col. 27, lines 39-52 teaches "having the caller place a call to a virtual mobile telephony number associated with the first telephony number." Office Action, p. 2. Applicants respectfully disagree. The description in Cardina's col. 27, lines 39-52 simply describes part of a call forwarding method including a power-up step in which the wireless telephone backup device powers up with a pre-programmed mobile identification number (MIN). *See Cardina* at col. 27, line 32 to col. 30, line 11. Cardina

further discloses that the “a virtual MIN or a standard MIN can be used to identify the wireless device.” Cardina, col. 27, lines 45-46. However, step 1302 (Cardina, col. 27, lines 41-52) is not a call forwarding step because no incoming call has been received until step 1318. See Cardina, Fig. 14 and col. 29, lines 7-8. Moreover, Cardina discloses that “a virtual MIN cannot normally be dialed in the conventional landline network 100 to reach the wireless device 206.” Cardina, col. 27, lines 46-48 (emphasis added). In contrast, Applicants’ claim 23 recites “having the caller place a call to a virtual mobile telephony number.”

The Office Action further asserted that item 1516 in Fig. 16 of Cardina teaches “receiving the call at a switching apparatus of a mobile telephony network.” Office Action, p. 2. Applicants respectfully disagree. In fact, the description of item 1516 in Cardina, col. 30, lines 63-66 clearly states “the originating service switching point (SSP) 114 detects whether an incoming call has been placed to the subscriber’s landline directory number” (emphasis added). As such, the Office Action mischaracterized Cardina and the rejection is improper for at least this reason.

Thus, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. In view of the reasoning presented above, Applicants therefore submit that independent claim 23 is not obvious over Cardina. Independent claim 23 should therefore be allowable.

Independent claims 35 and 39, while different in scope, recite elements similar to independent claim 23, and should also be allowable for the same reasons as claim 23. Dependent claims 24-27 should also be allowable at least by virtue of their respective dependence from base claim 23. Accordingly, Applicants request the withdrawal of the 35 U.S.C. § 103(a) rejection.

Rejection of Claims 28-34, 36-38 and 40-44 under 35 U.S.C. § 103(a):

Applicants request reconsideration and withdrawal of the rejection of claims 28-34, 36-38, and 40-44 under 35 U.S.C. § 103(a) as being unpatentable over Cardina in view of Leung.

As explained above, Cardina does not render obvious any of Applicants' independent claims 23, 35, and 39. Dependent claims 28-34, 36-38, and 40-44 are therefore not obvious over Cardina at least by virtue of their respective dependence from base claim 23, 35, or 39.

Leung does not cure the deficiencies of Cardina. For example, Leung discloses a responder that is used to, for example, receive checkpoint initiations from an initiator, and to send acknowledgments thereof. *See Leung*, par. [0102]. Leung further discloses that “[a] mobile station 12 may initiate [a] procedure, making the mobile station 12 [an] initiator and [a] network station 14 [a] responder,” or “the network station 14 may initiate the procedure, making the network station 14 the initiator and the mobile station 12 the responder.” Leung, par. [0099]. Thus, the teachings of Leung are also clearly different from Applicants' claimed “having the caller place a call to a virtual mobile telephony number associated with the first telephony number,” and “receiving the call at a switching apparatus of a mobile telephony network,” as recited in independent claim 23.

In view of the reasoning presented above, Applicants therefore submit that independent claim 23 is not obvious over Cardina and Leung, whether taken alone or in combination. Independent claim 23 should therefore be allowable.

Independent claims 35 and 39, while different in scope, recite elements similar to independent claim 23, and should also be allowable for the same reasons as claim 23. Dependent claims 28-34, 36-38, and 40-44 should also be allowable at least by virtue of their respective

dependence from base claim 23, 35, or 39. Accordingly, Applicants request the withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion:

Applicants request reconsideration of the application and withdrawal of the rejection.

Pending claims 23-44 are in condition for allowance, and Applicants request a favorable action.

The Office Action contains a number of statements reflecting characterizations of the related claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any such statements or characterizations in the Office Action.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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